

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on February 19, 2015, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: February 19, 2015




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re Denise Kovach, Debtor)
) Chapter No. 7
) Case No. 13-15340
)
) Judge Arthur I. Harris
)
)
)

AGREED ORDER

This Court issued an Order on the Motion of David Ayers (Docket #19) in Court on December 9, 2014, as set forth in Docket #26, reopening the bankruptcy case of Debtor Denise Kovach, which was closed on November 12, 2013. The case was reopened for the limited purpose of issuing an order clarifying the permanent discharge injunction in connection with the pursuit of indemnification proceeds against Debtor's former employer.

Courts are split about whether relief from the discharge injunction must be sought or whether the injunction simply does not apply to an action in which the plaintiff explicitly waives any right to collect a monetary recovery from the debtor. Given the Debtor's discharge and that

David Ayers seeks recovery only for indemnification proceeds which may be available from debtor's former employer, the City of Cleveland, this Court granted the motion to reopen to clarify the applicability of the discharge injunction.

IT IS HEREBY ORDERED, that it will not be a violation of the discharge injunction if David Ayers pursues a state court action against the Debtor's name only and only against the amount of indemnification, if any, which may be available against Debtor's former employer, the City of Cleveland. The permanent injunction is hereby modified for cause as set forth herein. It is expressly understood, however, that any judgment in favor of David Ayers cannot modify the Debtor's previous discharge from personal liability for this debt.

Approved as to form:

/s/ David M. Leneghan
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CERTIFICATE OF SERVICE

I, Russell Ainsworth, an attorney, hereby certify that I served the foregoing Agreed Order on February 17, 2015 by the Court's electronic filing system and causing it to be served on all counsel of record.

/s/ Russell Ainsworth

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